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PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 August 1998, at 10 a.m.

Chairman: Mr. GUISSÉ

later: Mr. WEISSBRODT
(Vice-Chairman)

later: Mr. FAN Guoxiang
(Vice-Chairman)

later: Mr. GUISSÉ
(Chairman)

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AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN
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GE.98-13551 (E)

The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (E/CN.4/Sub.2/1998/2, 26 and 27)

1. The CHAIRMAN said that, in conformity with decision 1994/117, the maximum speaking time under agenda item 2 for NGO and government observers was determined by dividing equally the time allocated to such observers by the number of speakers listed. As there were 55 observers on the list and only two meetings allocated to them, each speaker would have seven minutes.
2. It should also be recalled that government observers taking the floor on agenda item 2 should normally avoid addressing human rights situations in countries other than their own, and that the experts could intervene at any time.
3. Mr. LITTMAN (Association for World Education), speaking also on behalf of Christian Solidarity International, said that, at a time when massacres and even genocides were being carried out all over the world for ethnic, religious or tribal reasons, it was to be welcomed that the Commission on Human Rights, in its resolution 1998/10, had called upon all States to increase and intensify their activities aimed at the full implementation of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, whose fiftieth anniversary was currently being celebrated. In the same spirit, the Sub-Commission should adopt a resolution directed towards the prevention of genocide and recalling that, in the terms of article III (c) of the Convention, direct and public incitement to commit genocide was punishable and that, according to article VIII, any Contracting Party could call upon the competent organs of the United Nations to take such action as they considered appropriate for the prevention and suppression of acts of genocide. In document E/CN.4/Sub.2/1998/NGO/4, the Association for World Education proposed concrete measures for further relating the implementation of the Genocide Convention to the existing mechanism of the treaty bodies, particularly the Committee on the Elimination of Racial Discrimination.
4. The Secretary-General of the United Nations, Mr. Kofi Annan, had stated a few months previously, with reference to the genocide carried out in Rwanda, that other genocides and other Rwandas were a strong possibility and that the decision not to act was also a decision, one which could have consequences even more dangerous than the decision to act. The international community could not remain idle in the face of the horrible tragedy unfolding in Sudan. That was why the Association for World Education and Christian Solidarity International were urgently calling upon the Office of the High Commissioner for Human Rights to act to put a stop to the genocide currently being perpetrated in Sudan.
5. In conclusion, genocide was perpetrated not because of the absence of a particular instrument but because of a lack of political will to use the available instruments.

6. Ms. CECHUROVA (Transnational Radical Party) said that the intervention in Kosovo by police and paramilitary forces of the Belgrade regime had already caused several hundred deaths among civilians and led around 300,000 persons to flee the region, where humanitarian aid was inadequate. Despite several meetings of the Contact Group, the arms embargo against the Federal Republic of Yugoslavia, the NATO presence in the region and the resolutions of the United Nations Security Council, Mr. Milosevic was pursuing his brutal campaign of ethnic cleansing in Kosovo.

7. In its resolution 1998/79, the Commission on Human Rights had insisted that the Government of the Federal Republic of Yugoslavia put an end to the continuing repression of the ethnic Albanian population, ensure the complete withdrawal of its special police from Kosovo, release all political detainees, respect fully all human rights and fundamental freedoms, allow the establishment of democratic institutions in Kosovo and cooperate with the International Criminal Tribunal for the Former Yugoslavia. The Transnational Radical Party emphasized that the international community should take urgent measures to ensure the resolution was implemented. It was furthermore convinced that it was high time that Mr. Milosevic was brought before the Tribunal for the Former Yugoslavia.

8. Ms. LEKSONO SUPELLI (Pax Romana) said that the violence and riots that had taken place in Indonesia in May and June 1998 had left more than 2,000 people dead, nearly 100 injured and dozens missing. As of 3 July 1998, 168 women of Chinese origin had been victims of gang rape; 20 of them had died. The Team of Volunteers for Humanitarian Causes was, nonetheless, convinced that the main cause of the riots had not been racial conflict. Gang rapes had become part of the terrorism currently being waged against the public and particularly against human rights activists. Moreover, numerous factors pointed towards the State, or elements supported by the State, having been linked to the organization of the arson, looting and rape which the Indonesian citizens had suffered.

9. Pax Romana therefore invited the Sub-Commission to call upon the Indonesian Government to fully investigate the crimes that had been committed and bring to trial those who had committed or instigated them, to compensate the victims, to consider enabling a United Nations expert to study the systematic violations of human rights and fundamental freedoms in Indonesia, to seriously investigate the root causes of the May riots, and to ensure access to operations for the Team of Volunteers and guarantee their safety.

10. Mr. ROSSI (International Association for Religious Freedom) said that although China had acceded the previous year to the International Covenant on Economic, Social and Cultural Rights, that large country was not yet a party to the International Covenant on Civil and Political Rights, which dealt, in particular, with the right to freedom of thought, conscience and religion. It should be recalled in that connection that the Special Rapporteur on religious intolerance appointed by the Commission on Human Rights had recommended that the Chinese Government promulgate a law on religious freedom which would explicitly guarantee the right to practise one's religion, and would grant that right equally to minors, members of the Communist Party and foreigners. The Special Rapporteur had also called upon the Chinese authorities several times to free monks and nuns and people belonging to unofficial religious

organizations who had been placed in detention. The Chinese authorities should also be called upon to remove the obligation for religious organizations to register with the State-controlled Office of Religious Affairs.

11. Furthermore, Chinese Catholics should be able to have the same relations with the Pope that Catholics the world over enjoyed. It was to be noted, in that connection, that several months previously the Chinese Government had not authorized the Chinese Catholic Bishop of Wanxian to travel to Rome to attend a synod of bishops for Asia.

12. In Tibet, the Chinese authorities continued to interfere in the internal affairs of the Buddhists. Monks from several monasteries had been subjected to a campaign of "political re-education" and had been forced individually to sign a declaration against their spiritual leader, the Dalai Lama.

13. It was necessary for China to agree to engage in dialogue with the Dalai Lama, who was not claiming independence for Tibet, and also with the Vatican, in order that all the Buddhists and Catholics of China could live in peace.

14. Mr. MUHAMMAD (Caucasians United for Reparations and Emancipation) said that the descendants of black slaves in the United States of America, the so-called African-Americans, had been dispossessed of their culture, religion and language. According to article 27 of the International Covenant on Civil and Political Rights, however, minorities could not be denied the right to enjoy their own culture, to profess and practise their own religion, or to use their own language.

15. It would therefore be appropriate to create at the United Nations in New York, and under the auspices of the Sub-Commission, a forum within which African-Americans could demand the recovery of their original inalienable rights, rights possessed by every minority and protected by the United Nations. While that forum would particularly address the more acute problems evidenced in the United States of America, the problems of the Diaspora communities as a whole could be explored more efficaciously by the creation of a new working group in Geneva.

16. Mr. PROVE (Lutheran World Federation), speaking also on behalf of the World Christian Life Community, the Jesuit Refugee Service and Habitat International Coalition, drew the attention of the Sub-Commission to the situation of tens of thousands of Bhutanese of Nepali ethnicity who were refugees living in Nepal, mostly in camps, or in India, and who wanted to return to their former homes in Bhutan.

17. The negotiations between Bhutan and Nepal on the fate of the refugees, begun over five years previously, were at a standstill. In Bhutan, the 1985 Citizenship Act, the implementation of which had resulted in many of the refugees being arbitrarily and retroactively deprived of their Bhutanese citizenship, was still in force. In January 1998, 219 Bhutanese civil servants of Nepali ethnicity were reported to have been compulsorily retired and their children excluded from schools. Furthermore, resettlement was

reported to be continuing on lands in southern Bhutan formerly occupied by those in the camps, effectively pre-empting any repatriation of the refugees.

18. In order to bring about a just and durable solution for the refugees, the Bhutanese and Nepalese Governments required an independent and impartial mechanism and, in that connection, should request the assistance of the Office of the High Commissioner for Human Rights and the Office of the High Commissioner for Refugees.

19. With their assistance, the Government of Bhutan furthermore needed to review the current citizenship legislation in Bhutan. It should also take measures to ensure respect for all the rights of the refugees upon their return.

20. It was to be hoped that the international community in general and the Sub-Commission in particular would actively assist the Governments of Bhutan and Nepal in ensuring a just resolution of the refugee crisis, in full accord with human rights principles, and particularly the principle of non-discrimination.

21. Mr. SANNIKOV (International League for Human Rights) called the attention of the members of the Sub-Commission to the human rights situation in Belarus, which was comparable with the worst era of Soviet totalitarianism. Since the referendum organized in November 1996 by President Lukashenko, in violation of the 1994 Constitution, the Belarusian authorities had effectively been setting up a form of "totalitarian government", as had been noted by the OSCE Mission to Belarus in April 1997. Lawlessness had become the rule, and the complicity of the judicial and law enforcement agencies made it useless to seek any kind of legal defence against police brutality and other human rights violations. On 8 July 1998, a lawyer, Alexei Filipchenko, had taken the extreme step of self-immolation, setting himself on fire to protest against the impossibility of protecting human rights in the country. Those who protested about such a situation were fined or imprisoned, and the rights of political prisoners were violated. There were currently more than 100 Belarusian political émigrés and asylum seekers.

22. The authorities were, moreover, in the process of destroying the culture, history and language of Belarus, as had been the case under the Soviet regime. Fewer than 10 per cent of the schools in the capital currently taught in the Belarusian language and the same situation could be observed all over Belarus. Several parliamentarians warned against the revival of totalitarianism organized by President Lukashenko, who, in order to hold on to power when his term of office expired in the summer of 1999, would be prepared to introduce a state of emergency in the country. The scandalous expulsion of foreign ambassadors from Belarus might have been a first step in that direction. Despite international condemnation, the human rights situation in Belarus appeared to be worsening. The deteriorating situation was a test for the entire international human rights protection system, and justified the appointment of a special rapporteur on Belarus.

23. Mr. FAN Guoxiang said that the financial crisis which had recently hit certain parts of Asia had abruptly altered the way that Asian culture was perceived. Previously held up as an example, for the success it had fostered,

Asian culture in all its aspects was currently under suspicion, to the extent that nothing could be found in it but corruption, nepotism and incompatibility with modern management. Some people even suggested that the only solution would be for Asia to accept western governance and the western philosophy of human rights, which encouraged individual initiative and free competition. Asian cultural traditions and values ought not to be denigrated simply because of some vicissitudes in the region.

24. As with western values, Asian values were deeply rooted in the region's historical and cultural development. The millennia-old culture of Asia provided a solid basis for engendering rich and bright notions of humanism, which had promoted social and economic progress. There was close interaction in Asia between individual rights and collective interests. Human beings were the central body of a society. While the rights and freedoms of the individual were protected, public matters, in the name of justice, should take precedence over private matters. Social progress relied not simply on the freedom of individuals, but on the existence of a well-organized and disciplined collective body. History had shown that in the face of foreign invasion and colonialist domination, the endeavours of a few individuals proved fruitless. The solidarity of an entire people under vigorous leadership was indispensable to attaining national independence and democracy. In Asia, everyone had certain social responsibilities and accepted a balance between rights and duties. Being the first to offer and the last to enjoy, and being ready to die for justice, were regarded as personal ideals.

25. In order to contribute better to the development of society, individuals were called upon to cultivate a strong and competent character through incessant learning and industriousness. A great personality was forged by trials and perseverance, and someone with such a personality would be highly respected and rewarded. In oriental tradition, frugality was regarded as a virtue. In order to promote harmonious relationships among members of the community, filial piety, honesty and trustworthiness among friends, tolerance and generosity in social life, and loyalty to the nation were encouraged. In dealing with controversies, extremism and one-sidedness were to be avoided.

26. With regard to the outside world, Asian people tried to maintain their traditional values and national identity, at the same time doing their best to assimilate modern knowledge useful to their social and economic development. Mutual complementarity was necessary between East and West, based on equality and mutual respect. Learning high-tech banking and modern economic management did not necessarily entail complete acceptance of western philosophy and social structure and a total denial of Asian values. Although personal incentive and entrepreneurship were needed in a market economy, social cohesion was indispensable to preventing the free rein of the law of the jungle.

27. Mr. KHALIFA said he was unfortunately bound to conclude, from 30 years of working with the Sub-Commission, that the noble cause of human rights had, over the years, largely lost its original purity, having been mishandled, exploited and occasionally disfigured beyond all recognition. In support of that conclusion, he wished to make seven points. Firstly, recalling that the cornerstone of the human rights edifice was the idea that all human beings

were equal in rights, he wondered whether all the lawyers in the Sub-Commission really believed that deep down. Secondly, it was the mightiest - militarily, economically and politically - who ran the human rights show. Thirdly, the sanctions policy was being pursued increasingly actively by the United States, despite being challenged by some members of the United States Administration, by businesses and by sections of the United States population, as well as by many European countries. The sanctions infringed, inter alia, the fundamental right to life, affecting 42 per cent of the world population, and most particularly, with consequences tantamount to economic genocide, Iraq, the Islamic Republic of Iran and Cuba.

28. Fourthly, the profit motive had been raised to the status of an absolute value, to the detriment of all those not able to enter the race, thus leading to increasing poverty in the world, which was an absolute negation of human rights. Fifthly, the pivotal principle of the sovereignty of States and non-interference had been mishandled, as witnessed by the tragedies that had struck Zaire, Rwanda and Burundi, with certain western countries only intervening on the pretext of defending human rights when it suited their national interests. Sixthly, the recent phenomenon of attacking a religion in the name of human rights, which was reminiscent of the Crusades of the Middle Ages, had dealt a fatal blow to the cause of human rights: who had the right to sit in judgement upon and threaten sanctions against States suspected of practising religious persecution? Finally, he queried the protection of the rights of millions of persons who had been brutally expelled from their ancestral homes by Israel, which had created bantustan areas in the West Bank, dispatched assassins to kill its enemies abroad and approved State hostage-taking for political ends.

29. All such pointers to the deterioration of the human rights situation stemmed from the serious flaws in the current international order, marked by unipolarity. Only one super-Power remained, but it was one which was incapable of preserving a reasonable level of justice, security and prosperity for the world and whose influence did not match its strength, as could be seen from Israel's refusal to accept United States proposals for a resumption of the peace process, and from the fact that India and Pakistan, taking advantage of the iniquity of a system which legitimized the possession of nuclear weapons by just a few countries, had recently carried out nuclear tests. It was a super-Power occasionally obliged to hide behind the United Nations or NATO, which was becoming an increasingly political organization. Although no one could foresee the unforeseeable, it was possible to draw certain lessons from history. Being the only world Power, after the fall of Carthage, had been fatal to Rome.

30. Given the weakness of the current international order, the situations in Afghanistan, Algeria and Kosovo were extremely worrying. In order to be able to intervene legitimately in Kosovo and protect the majority population of Albanian origin, currently victims of Serbian aggression, it was necessary for the West to demonstrate genuine political will, for the United Nations Security Council to adopt a resolution authorizing the use of force, and for a decision to be taken defining ethnic cleansing as an international crime. Could the world tolerate such an international "order" for much longer? One could hardly claim that a great deal had been done to change things. It was time for somebody to shout out that the king had no clothes on.

31. Mr. PEREZ BERRIO (American Association of Jurists - AAJ) said that the change of government in Colombia, and the Government's contact with armed groups, should not prevent the international community from urging the Colombian State to ensure that human rights were respected and that the rule of law was re-established. Human rights guarantees should not be subordinated to the success of possible negotiations between the parties to the conflict. AAJ suggested that the Sub-Commission should adopt a declaration to that effect. Moreover, it urgently requested that José Antonio Bulla and Nelson Campos Nuñez, who were still being held in prison although they had been found not guilty of the actions of which they were accused, be freed immediately, and that the Colombian Government take the necessary measures to guarantee the safety and physical integrity of the Executive Secretary of the Justice and Peace Organization, Father Javier Giraldo, who had received many threats.

32. AAJ also expressed its deep concern regarding the attitude of the Chilean authorities in labelling the action taken by the Mapuche to defend their territory and natural environment against the rapacious greed of national businesses and multinationals, which had destroyed a large part of the region's forest resources, as an attack on national security. Chile might perhaps better fulfil its responsibilities in that domain by acceding to ILO Convention No. 169 and applying the relevant provisions.

33. Finally, AAJ denounced the worsening of the human rights situation in Mexico, particularly the attacks against the indigenous communities in the region of Chiapas, and the many kidnappings, arbitrary detentions, forced disappearances and assassinations. The time had come for the Sub-Commission to propose to the Commission the appointment of a special rapporteur for Mexico.

34. Ms. GUILLET (International Federation of Human Rights Leagues - FIDH) drew the attention of the Sub-Commission to the flagrant, massive and systematic violations committed in Algeria, violations which the State claimed to be unable to deal with and to which it responded with State violence. As the Human Rights Committee had noted, after considering the second periodic report presented by Algeria, the country was daily witness to all sorts of violations for which the Algerian State was responsible. It was, therefore, vital that the Sub-Commission most strongly condemn the violations, and call upon the Algerian Government not to counter terrorist violence with State violence. It should, furthermore, urge the Commission on Human Rights to appoint a special rapporteur on the situation of human rights in Algeria.

35. FIDH and the Turkish Association for Human Rights (IHD), a related organization, were concerned by the human rights situation in Turkey. Since Turkey had been distanced from the European Union in December 1997, a tougher approach was expected to be taken towards those in favour of a peaceful solution to the armed conflict in the south-east, and also towards the Islamic fundamentalist movement, which was subject to repressive measures. The police carried out acts of torture with total impunity, and human rights defenders were subject to harassment intended to deter them. That was why FIDH and IHD were inviting the Sub-Commission to request the Commission to create a mechanism for monitoring the human rights situation in Turkey.

36. Despite the adoption by the Sub-Commission of resolution 1997/2 on Bahrain, human rights violations continued in that country. The main victims were political detainees submitted to torture, defenders of the Constitution arrested during demonstrations, supporters of the political opposition, including minors, most condemned to heavy sentences following unfair trials, and members of the Shiite community who were subject to discrimination in employment. The freedom of expression and opinion and the right to free assembly and peaceful association were also regularly disregarded. FIDH and the national organization linked with it, the Committee for the Defence of Human Rights in Bahrain, therefore urgently requested the Sub-Commission to keep Bahrain on its agenda and to call upon the Commission to create a mechanism for monitoring the situation in that country.

37. In Mexico, the human rights situation continued to worsen despite the observations and recommendations of international organizations like the Organization of American States and the United Nations. Arbitrary detentions, extra-judicial executions and forced disappearances were due to a lack of political will to remedy the situation, to the ineffectiveness and bias of the judicial system, to the increasing armed intervention in civil life, and to the militarization of the police. It was the most vulnerable groups like the indigenous peoples, children and women who were the most exposed to inhumane treatment, mainly in the States of Chiapas, Guerrero and Oaxaca. Consequently, FIDH invited the Sub-Commission to adopt a resolution on the human rights situation in Mexico, recommending the Commission to create a mechanism for monitoring the situation in the country.

38. FIDH and the Tunisian Human Rights League (LTDH) denounced the worsening of the human rights situation in Tunisia. The systematic violation of the fundamental freedoms of expression, opinion, association, assembly and circulation, and of the rights to a fair trial and to the respect for private life, contrasted with the reassuring official statements. As an example, Khemaïs Kasila, the Vice-President of LTDH, had been in detention for 10 months and had been convicted of a "crime of opinion". In view of the seriousness and arbitrariness of the situation, FIDH and LTDH thought that the matter should be brought before the Commission and that the Sub-Commission should adopt a resolution to that effect.

39. FIDH also wanted the Commission to consider the human rights situation in Congo-Brazzaville, or at least would like the Sub-Commission to continue its consideration, as decided in its resolution 1997/1. Although the war had ended, human rights violations (summary executions, arbitrary arrests and detentions in clandestine and makeshift prisons, persecution of political opponents, attacks on the freedom of expression and of the press) continued apace.

40. Mr. DIAZ DE JESUS (International Peace Bureau), speaking on behalf of indigenous organizations, communities and peoples, denounced the serious, systematic and repeated violations of human rights and fundamental freedoms in Mexico. He also denounced the impunity enjoyed by those who perpetrated such violations, as well as the threats, intimidations, provocations, assassinations, forced or involuntary disappearances and rapes attributable to the armed forces and the police.

41. All the remedies in Mexico having been exhausted, it fell to the Sub-Commission to play its role in preventing discrimination and protecting indigenous people and other marginalized groups in Mexican society. It should in particular, intervene to prevent a worsening of the situation in the states of Chiapas, Oaxaca and Guerrero, where the armed forces were behaving like conquistadors: destroying houses and crops, arresting, torturing and threatening all those who opposed them, and raping the women. It was clear that the military and judicial authorities had known about plans for the Ateal massacre of 22 December 1997 and had done nothing to prevent it. He also cited the inhuman treatment to which 106 indigenous persons from Oaxaca had been subjected by way of "exemplary punishment", and the massacre of 17 peasants and the summary execution of 11 persons in the state of Guerrero. He expressed the hope that the High Commissioner for Human Rights would visit Mexico, thereby giving concrete effect to the commitment made by the Mexican Government, during the visit of the Secretary-General of the United Nations, to maintain relations with the United Nations.

42. Mr. OZDEN (Europe-Third World Centre) said that the Moroccan Government was continuing to raise obstacles to the smooth implementation of the peace plan adopted by the two parties to the Western Sahara conflict. He regretted the lack of firmness of the United Nations in addressing those problems, which were set out in the report of the Secretary-General dated 10 July 1998 (S/1998/634).

43. It was appropriate to recall that the United Nations was playing a new card in the Western Sahara conflict: it had to administer a territory during the final weeks before the voting, and organize a free and orderly referendum on self-determination. Its credibility was at stake, and it must therefore apply the initial peace plan and ensure that it was respected as adopted. It was, moreover, vital that the process be transparent. Transparency required the presence of independent observers on the ground and the guarantee of freedom of the press. That was why the Europe-Third World Centre was asking the Secretary-General to permit access to the territory without further delay. Furthermore, measures had to be taken rapidly to ensure security and respect for human rights after the referendum, whatever the outcome.

44. Mr. SAITO (International Association of Democratic Lawyers) recalled that some 20 million Asians and 3.1 million Japanese had fallen victim to war crimes and crimes against humanity committed by the Japanese imperial regime between 1931 and 1945. A great many of the people opposed to the war of aggression had been arrested, imprisoned, tortured and assassinated under the Public Order Maintenance Law of 1925. The law had been repealed only after Japan's surrender in 1945.

45. Following the adoption in 1968 by the General Assembly of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the German and Italian Governments had undertaken to compensate war victims and to prosecute war criminals. The Governments of the United States, Canada and South Korea had also taken measures to that effect. Despite the steps taken by the League of Victims of the Public Order Maintenance Law, created in 1968, particularly the many petitions it had submitted to the Diet since then, the Japanese Government had never made any

apology nor paid any compensation to the victims, including the "comfort women". There was little time left, given the advanced age of the victims, to make amends for the damage inflicted. That was why the League was calling upon the Sub-Commission to look into the matter and to recommend to the Japanese Government that it should apologize and give compensation to the victims of the Law.

46. Mr. Weissbrodt, Vice-Chairman, took the Chair.

47. Mr. CHOEPHEL (Society for Threatened Peoples) said that the situation of human rights in Tibet had been discussed by United Nations human rights bodies over many years; the Sub-Commission itself had made public its concerns on the subject in its resolution 1991/10. The situation continued to worsen, and scrutiny by the existing human rights mechanisms was therefore crucial, particularly since the violations carried out in Tibet had the distinct character of institutionalized racial and cultural discrimination aimed at the Tibetans. Over the past few years, cases of arbitrary detention, disappearances, deaths in detention, summary executions, torture and unfair trials had increased, and Tibetans continued to be denied their fundamental rights. The continued incommunicado detention of the Eleventh Panchen Lama, the sentencing of Chadrrel Rinpoche to six years in prison for defending the true identity of the Panchen Lama, and the campaign of repression carried out against monks and nuns who refused to take part in "patriotic re-education sessions" were just a few examples of the worsening situation. The denial of human rights and fundamental freedoms was strengthened by China's refusal to allow independent access to the region and by the difficulty of gathering and freely disseminating information.

48. The fact that many foreign delegations had been invited to visit Tibet was a positive sign, although the Chinese Government continued not to allow them total freedom of movement and had not invited any human rights organizations. It was to be hoped that the Chinese Government would change its policy and thereby demonstrate its genuine desire to resolve human rights issues through dialogue and cooperation. The attention of the Sub-Commission was drawn to the importance of not becoming a tool of Chinese propaganda by visiting Tibet on limited conducted tours, which could lead to reports that too readily accepted the Chinese Government position without having carefully observed and verified the facts. That was a charge that could be levelled against the European Union delegation which had visited Tibet in the spring of 1998.

49. In conclusion, the Society for Threatened Peoples hoped that the Chinese authorities would invite the High Commissioner for Human Rights to travel to Tibet during her visit to China, planned for September 1998, and that she would be given full and independent access to enable her to judge the situation from all angles.

50. Ms. RUPPRECHT (International Institute for Peace) said that it was imperative that the question of fundamental freedoms and discrimination be examined in the context of the emergence of groups which sought to use religion to impose their own anti-democratic ideologies without any consideration for human life. She was particularly concerned about the sufferings endured by women in countries under the control of such groups,

like Afghanistan, where the Taliban were seeking to set up a society in which women and the adherents of other religions were relegated for ever to the status of second-class citizens.

51. Pakistan, which played an undeniable role in creating such groups and fashioning them as instruments of policy, had attempted, by force of arms, to set up in Jammu and Kashmir the same kind of regime that the Taliban had installed in Afghanistan. Since 1947, the people of the northern areas had lived under Pakistani rule, and any attempt by the people to demand their rights was crushed by the security forces of Pakistan. The people of Jammu and Kashmir, who had a long tradition of freedom and tolerance and who had fashioned a society marked by religious harmony, were currently being persecuted by mercenaries sent by Pakistan and being forced to adopt the obscurantist ideologies of extremist religious groups for whom minority cultures, women's freedom, modern education and the advancement of peoples irrespective of their gender, religion or race meant nothing. Nevertheless, the people of Jammu and Kashmir were determined to fight against the oppression, as the overwhelming support for the democratic process expressed in the recent elections bore witness. That was why Pakistan was currently making every attempt through its mercenaries to prevent the democratically elected Government from carrying out its work, by organizing the assassination of political workers and political candidates.

52. Only a civilized society based on the respect of individual freedoms and the rule of law could guarantee human rights. But it was difficult to convey the message to groups which sought their legitimacy in criminal violence and discrimination based on religion and gender. If the international community did not want the Taliban's Afghanistan replicated elsewhere, including in Jammu and Kashmir, its discussions must essentially address Pakistan and call upon it to desist from encouraging the forces of extremism and obscurantism.

53. Mr. Fan Guoxiang, Vice-Chairman, took the Chair.

54. Mr. WEISSBRODT drew the attention of the Sub-Commission to the human rights situation in several countries that had not yet been given adequate attention by the Commission on Human Rights and where human rights defenders were particularly threatened. He recalled in that connection that the Commission on Human Rights had approved, on 3 April 1998, the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, and had recommended its adoption by the General Assembly. The Sub-Commission should therefore redouble its support for all human rights defenders and highlight the dangerous conditions in which they performed their daily work. It was not his intention to compare the countries mentioned, which would be listed in alphabetical order to avoid establishing a priority list. Each of them should be seen in the context of its international human rights obligations and in the light of international humanitarian law.

55. Thus, in Algeria, some 80,000 persons had been killed since 1992, during massacres in villages, and attacks and assassinations in towns. To those could be added other serious human rights violations such as rape, "disappearances", torture and deaths in custody. It was often difficult to ascribe responsibility for the violations, but it was clear that the abuses

had been carried out with total impunity for the perpetrators, which had led to a climate of fear. The Algerian authorities had made it difficult to clarify the human rights situation in the country; members of human rights organizations and journalists had often been targeted with death threats, imprisonment and harassment, and at times had even been assassinated, and human rights defenders had been prevented from adequately investigating the situation over the past several years. According to Amnesty International, such restrictions had contributed to a "wall of silence" surrounding human rights abuses in Algeria, where tens of thousands of people had been killed without the world really noticing. It was thus vital for the international community to protect human rights advocates, because it was they who made the abuses visible to the world and helped to end a climate of impunity which fostered further abuses.

56. The Human Rights Committee, during its consideration of the report presented by the Government of Algeria, had condemned the violations being committed in Algeria and had strongly urged the Government to investigate all the atrocities properly. The Sub-Commission should, in its turn, express its concern over the severity of the situation in Algeria, and encourage the Government to bring to justice all those responsible for perpetrating the violations, whether they were associated with the armed opposition or with the State. The Sub-Commission should also urge the Government to accept international verification of the human rights situation in the country, and should help bring to an end the silence of the international community regarding the tragedy in Algeria.

57. The concerns he had already expressed, at the forty-ninth session of the Sub-Commission, about the human rights situation in Belarus, had been reinforced by the observations of the Human Rights Committee, which had noted, following consideration of the country's periodic report in October 1997, that remnants of the former totalitarian rule persisted and that the human rights situation had deteriorated significantly as from 1992. It had worsened further since then. The excessive powers which the President had assumed were likely to be increased even more by the proposal for a new statute making criticism of the President a criminal offence punishable by up to four years' imprisonment or two years of hard labour. The Belarusian Government had already taken numerous measures restricting freedom of access to information and the freedom of the press, and had created a "Press Council" which potentially subjected the media to government censorship. Moreover, journalists and human rights defenders had been arbitrarily imprisoned or threatened and their equipment confiscated or destroyed. Restricting the freedom of the press served to obscure human rights abuses, by creating a zone of impunity for the perpetrators within the Government itself.

58. Colombia was also a country where human rights defenders were routinely threatened and attacked. Human rights defence organizations had been the target of attacks, and several of their members had been killed or forced into exile. Such attacks had taken place within the broader context of serious human rights violations such as the extrajudicial executions, kidnappings, torture and disappearances perpetrated in Colombia primarily, although not exclusively, by members of paramilitary groups and drug traffickers, with total impunity. The abuses were carried out against the backdrop of the massive armed conflict which had afflicted Colombia for some 40 years.

Despite several measures taken by the Colombian Government to ensure respect for human rights and guarantee the protection of human rights defenders, much still remained to be accomplished so that they could freely perform their work. The Colombian Government should in particular ensure that all those responsible for acts of violence against human rights activists - whether paramilitary groups or agents of the State - were brought to justice.

59. Since the Sub-Commission's adoption, in 1997, of a resolution in which it expressed concerns about persistent and concordant allegations of grave human rights violations in the Democratic People's Republic of Korea, the situation in that country had worsened. Following the adoption of that resolution, the representative of the Democratic People's Republic of Korea had informed the Sub-Commission of his Government's intention to withdraw from the International Covenant on Civil and Political Rights. The Democratic People's Republic of Korea had in fact been refusing to cooperate with the Committee for several years, and had already asked the Legal Counsel of the United Nations whether it would be possible to withdraw from the Covenant. The Sub-Commission's resolution had therefore been only a pretext for implementing a long-established plan. It was however doubtful whether, from a legal point of view, the Democratic People's Republic of Korea could withdraw from the Covenant, which did not contain any provision for withdrawal, particularly since, as the Human Rights Committee had concluded in its General Comment 26, international law did not permit a State party to denounce or withdraw from the International Covenant on Civil and Political Rights.

60. In Turkey, on which the Sub-Commission had been unable to adopt, at its forty-ninth session, a draft resolution expressing concerns about the violations of human rights and international humanitarian law committed by the security forces and also about the abuses perpetrated by the PKK, the situation had improved slightly. The Commission's Special Rapporteur on Torture and the Working Group on Enforced or Involuntary Disappearances were due to visit the country towards the end of the year. In addition, the measures announced by the Turkish Government had borne some positive results, and the decreased period of incommunicado detention had apparently diminished the incidence of torture or at least reports of torture.

61. Nevertheless, torture remained endemic throughout Turkey. It was not only practised in the south-eastern region, and the Kurds were not the only victims. It appeared that torture was still considered a means of legitimizing the State. Moreover, the Turkish Government continued to refuse the International Committee of the Red Cross access to the country. The problem of internal displacement in the south-east of the country following the evacuation of villages under pressure from terrorist organizations or the security forces, which had been the subject of a Council of Europe report, remained worrying. Furthermore, the Government had closed the offices of several human rights organizations, and human rights defenders and journalists continued to be threatened with harassment, imprisonment or death. The Sub-Commission should continue to devote the necessary attention to the situation in Turkey.

62. In conclusion, he reiterated the hope that the Sub-Commission would continue to support the work of human rights defenders around the world,

and that during the fiftieth session it would take concrete action on at least some of the countries which had thus far escaped Commission scrutiny.

63. Mr. Guissé resumed the Chair.

64. Mr. MEHEDI, reacting to the comments made by Mr. Weissbrodt regarding Algeria, said that he closely followed the situation in his country and would like to provide some clarification on the subject. Firstly, he regretted that Algeria was being portrayed as a country condemned by international organizations with which it in fact regularly cooperated.

65. In connection with the concluding observations of the Human Rights Committee following consideration of the second periodic report of Algeria, it should be recalled that those were recommendations made to a State party to the International Covenant on Civil and Political Rights which had recognized the jurisdiction of the Committee charged with monitoring its implementation. It could be seen from the recommendations that the internal legal order was in conformity with the international legal order, international law having been incorporated into internal law, and that contributed to promoting the rule of law. The Committee had condemned the terrorism and confirmed its solidarity with the Algerian people who were victims of it, while underlining that the Algerian State had created mechanisms for protecting human rights and had established mediation bodies that were represented throughout the country. Finally, the Committee had noted positive aspects such as the 1996 Constitution, which had also contributed to the establishment of a resolutely democratic State.

66. Speaking about a wall of silence in connection with Algeria made it appear that Algeria was entirely closed and that no information was obtainable. Yet, as members would be aware, Algeria had invited a panel of human rights experts led by the former President of Portugal, Mr. Mario Suarez, to observe and evaluate the situation on the ground at first hand. It would therefore be appropriate to await publication of the panel's report to have an accurate idea of the situation in Algeria.

67. Mrs. AULA (Franciscans International) said that Franciscans International and the Dominicans wished firstly to reiterate their grave concern about the deterioration of the human rights situation in Mexico, and particularly in the State of Chiapas. It was clear that the Mexican Government was, in reality, applying a strategy aimed at increasing the military presence in the Chiapas communities, supporting paramilitary groups, and increasingly isolating the indigenous communities both socially and politically in order to keep them under the strict control of the army and the State. The suspension of the National Mediation Commission (CONAI) in June 1998 was further evidence that the Mexican Government was undermining the necessary conditions for dialogue and negotiation.

68. Franciscans International and the Dominicans urged the Sub-Commission to adopt a resolution recommending the Commission on Human Rights to appoint a special rapporteur on the human rights situation in Mexico, particularly in the State of Chiapas, and urged the Mexican Government to disarm all paramilitary groups operating in Chiapas, to respect the San Andrés Agreements

signed in February 1996 to guarantee the rights of indigenous populations, and to cease its repression and defamatory campaigns against the Catholic Church, and more specifically the diocese of San Cristobal de las Casas.

69. In Brazil, violence and impunity had also reached alarming levels, particularly in rural areas in connection with the struggle for land. Brazil had one of the most unequal land distributions in the world, since large properties representing only 2.8 per cent of the total number of farms occupied 56.7 per cent of the overall land area, much of which remained unproductive.

70. Franciscans International and the Dominicans supported the petitions of the Landless Movement of Brazil and urged the Brazilian Government to take effective measures to speed up the pending legal proceedings concerning the assassinations of rural workers, to promote the immediate settlement of all landless rural workers and their families, and to carry out a massive agrarian reform programme.

71. Attention should also be drawn to the persecutions suffered by Christians in Pakistan, where the punishment laid down in the Penal Code for the vaguely and arbitrarily defined offence of blasphemy had been increased from two years' imprisonment to death, a penalty which was totally out of proportion. Furthermore, mere allegations without circumstantial evidence were often enough to condemn a person. In reality, most cases under the blasphemy law were the result of abuse of the law by certain individuals in order to stir up disharmony among religious groups. Another cause for grave concern was the consequences of the separate electoral system in Pakistan which required all religious groups to vote only for candidates of their own denomination.

72. Consequently, Franciscans International and the Dominicans urged the Government of Pakistan to repeal all discriminatory laws, particularly the blasphemy laws, to ensure that all persons accused of blasphemy were given a fair trial without delay, and to guarantee that they would not be subjected to any form of ill-treatment. The Sub-Commission should monitor the situation in Pakistan, and urge the Government of Pakistan to implement the recommended constitutional and other changes related to the protection of religious minorities.

The meeting rose at 1 p.m.



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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 August 1998, at 3 p.m.

Chairman: Mr. GUISSÉ

later: Mr. ALFONSO MARTÍNEZ
(Vice-Chairman)

later: Mr. GUISSÉ
(Chairman)

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RIGHTS RESOLUTION 8 (XXIII)

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GE.98-13555 (E)

The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (E/CN.4/Sub.2/1998/2, 26 and 27)

1. Mr. PRADHIR (Asian Buddhists Conference for Peace) said that, following the signing of the Peace Agreement in the Chittagong Hill Tracts on 2 December 1997, the human rights situation there had improved slightly. Proper implementation of the Agreement had, however, been slow and human rights violations had persisted. There had been cases of arbitrary arrest, rape and land rights violations. The major opposition parties were against the Peace Agreement and had mounted violent attacks on the people and the authorities' efforts to tackle the turbulent situation were completely inadequate. A returning Jumma refugee had been killed by settlers and two Jumma women had been raped. The people's expectations had not yet been fulfilled, but they were optimistic that the Government would take the necessary steps to strengthen the process of implementing the Peace Agreement.
2. Mr. Alfonso Martínez, Vice-Chairman, took the Chair.
3. Ms. GIRMA (African Association of Education for Development) said that, following the change of Head of State in Nigeria, some journalists and opposition politicians had been released from jail, owing to the efforts of human rights defenders. Pressure should continue, to enable Nigeria to emerge from its vicious circle. In the Sudan, the Government was seeking a negotiated solution with its opponents, having announced a unilateral ceasefire. The Sub-Commission should encourage that positive step and discourage those who wished to see a crusade mounted against the jihad. There had been some admirable developments in South Africa, too, and she applauded the personal and collective efforts of the Sub-Commission's experts and working groups. The continent of Africa had a great need for civil peace and reconciliation.
4. Angola had taken a step backwards and risked being plunged again into an interminable conflict. If those responsible were not stopped, the population, would be torn apart on ethnic grounds. The human rights situation in the Great Lakes region and the Horn of Africa was also of concern. The ethnic problems of Rwanda and Burundi had spilled over into the Democratic Republic of the Congo. The Heads of State of both Ethiopia and Eritrea, which had received military assistance to enable them to police the region, had shown boundless irresponsibility. The region was sorely in need of a peaceful solution and her organization requested the Sub-Commission to report on the matter to the Commission.
5. Ms. ALA'I (Baha'i International Community) said that, a fortnight previously, a Baha'i had been executed in Iran solely because of his religion. He had been accused of converting a woman from Islam to the Baha'i faith, an accusation the woman denied. His family had been told to collect his body. Marks on his neck indicated execution by hanging, but no documentation had been provided. Her organization feared for the lives of three other Baha'is

tried and sentenced to death at the same time. They had been granted a retrial on legal grounds, but their court-appointed lawyer was extremely unsatisfactory.

6. The Iranian Government regularly denied that the Baha'is were persecuted in Iran and had been indicating that the situation had changed for the better. Unfortunately, that was not yet the case and she requested the Sub-Commission to call on the Government to abide by the principles of the two International Covenants on Human Rights to which it was party.

7. Ms. OLSTHOORN (Minority Rights Group International) said that, while the Middle East peace process stagnated, the marginalized situation of the Palestinian community in Israel risked being neglected. After the civil war of 1948, some 160,000 Palestinians had remained inside what became Israel, even though they were excluded from the political and economic benefits of being an Israeli. Successive Governments had attempted to suppress their identity and divide their community.

8. A total of 176 Arab settlements had been declared "unrecognized" and their inhabitants denied basic services, such as education, electricity, health, public transport and water. Their houses risked being demolished. Thousands of dwellings had been built illegally and only 2.2 per cent of the dwellings constructed at State expense had been allocated to Palestinians. Bedouin were brutally evicted when grazing their livestock on their ancestral lands, designated "unauthorized areas", and were denied any form of economic independence.

9. Palestinian agriculture suffered from the fact that Arabs were charged more for water. Palestinians consumed only 2.7 per cent of the water used for agriculture, while accounting for some 20 per cent of the land allotted to field crops, fruit and vegetables. Development assistance went primarily to Jewish areas, although per capita income was substantially lower in Palestinian areas. Inequalities also existed in health and education. The Arab curriculum emphasized the values of the Jewish tradition, and almost nothing was taught about Palestinian history and culture.

10. Palestinians had a higher birth rate and, by 2020, would constitute about a quarter of the population. Israel, which claimed to be a democracy, nonetheless denied a voice to those arguing that Israel should be the State of all its citizens, since the Knesset Basic Law stated that no political party could stand for election which rejected the State of Israel as the State of the Jewish people. Her organization urged Israel to redefine itself as the State of all its citizens; recognize the Palestinian Arab community as a national minority; review all land expropriations since 1948 and end all forms of discrimination.

11. Mr. KHAN AZIZ (European Union of Public Relations) said that his part of Kashmir had been called the "Last Colony" and a "Constitutionless Land". Since their occupation by Pakistan in 1947, the northern areas had been in limbo, not being a constitutional part of the territory of Pakistan, their inhabitants being stateless without the right to vote and with no elected representatives anywhere. In 1988, the then Pakistani dictator had declared them to be Pakistanis, but had failed to accord them the rights enjoyed by the

Pakistani people. The Kashmiris were ruled from Islamabad by a Pakistani Minister for Kashmir Affairs and Northern Areas, and governed locally by a Pakistan-appointed administrator, usually a retired Pakistani army officer.

12. Any political activity on the part of the Kashmiris was brutally repressed. Their political leader, Sardar Shaukurt Ali Kashmiri, had been kidnapped earlier in 1998 by the Pakistani intelligence services, and there was still no news of his whereabouts. The Government of Pakistan had rejected all Kashmiri attempts to define their constitutional status, asserting that the courts had no jurisdiction since the Northern Areas were not part of Pakistan, thus denying the Kashmiri people all legal recourse.

13. Pakistan-occupied Kashmir also lagged behind the rest of the world in terms of economic development, and possessed no television station or university of its own. Kashmiris had no employment opportunities and were unable to migrate to other countries without exit permits from Pakistan. Successive Pakistani Governments had called for the accession of Indian Jammu and Kashmir to Pakistan under the guise of championing the Kashmiri cause. Any Kashmiri talk of self-determination and self-rule, adult franchise and participatory democracy was, however, severely suppressed. Kashmiri land had been converted into an armed camp for a jihad against India and Kashmiri protests against the influx of Afghan and other foreign settlers had been brutally suppressed.

14. The international media and human rights activists appeared to be ignoring the Kashmiris' plight, and he urged the Sub-Commission to dispatch a team to the Northern areas to witness the political, economic and cultural subjugation of the Kashmiris by Pakistan. The world community must force Pakistan to accord the Kashmiris their freedom.

15. Mr. Guisset resumed the Chair.

16. Mr. CUNG (International Work Group for Indigenous Affairs) said that, contrary to the assertions of the Government of Myanmar, the multi-ethnic nature of the country had not been respected by the successive military Governments, which had tried to impose national "unity" by military means. In his own region, Chinland, there were more than 10 army battalions, compared to only 1 before the pro-democracy uprising of 1988. The junta had imposed a programme of border area development, with roads and other infrastructural projects being constructed by forced and unpaid labour. Villagers were taken away for forced labour or conscripted as soldiers or porters, the resulting hardships far outweighing any possible benefits from the projects. The unique cultural identity of the Chin people was under threat because of the military regime's practice of religious persecution and Burmanization. The regime had acted on none of the recommendations contained in numerous General Assembly and Commission on Human Rights resolutions.

17. Ethnic diversity was no threat to national unity, as the Panglong Agreement of 1947 had shown, when General Aung San and non-Burman leaders had laid down guidelines for a Constitution providing legal guarantees for all ethnic nationalities. Unfortunately, successive Burmese-dominated Governments had used force to suppress the struggle of the non-Burman ethnic nationalities for their rights. Some hope had returned with the conclusion of the Mae Tha

Raw Hta Agreement of 1997, and the strong support for that Agreement expressed by Daw Aung San Suu Kyi showed the way forward to genuine national reconciliation, restoration of democracy and respect for human rights.

18. Mrs. ALI (Afro-Asian Peoples' Solidarity Organization) said that Pakistan's outdated feudal system, colonial form of government and concentration of power had led it into a state of crisis. Death and destruction from ethnic and sectarian violence occurred daily. Religious leaders called for jihads against all and sundry and for an Islamic revolution. Use of and trafficking in narcotics were rampant; and the country had been described as the most important centre for a fundamentalist brand of terrorism.

19. The legal structure ensured the persecution of minorities such as the Ahmediyas. Hindus were regarded as agents of India and there had been forced conversions of Hindu girls and Hindu temples had been destroyed. Christians continued to face the death sentence under the blasphemy laws. Sindh smouldered under a volcano of violence, the Mohajirs being the favourite target.

20. Well-funded and extremist religious schools, turned out bigoted boy soldiers for the armies in Afghanistan, Jammu and Kashmir and elsewhere. Like the terrorist training camps, they were part of a deliberate strategy whereby Pakistan's military intelligence used drug money to finance terrorist operations. The Taliban, a creation of Pakistan, had learnt the lesson well and continued the lucrative trade in narcotics. The national identity and ethos of Pakistan had to be transformed and its institutions remodelled according to accepted democratic norms, so that its people could achieve freedom and human rights.

21. Ms. STRIZZI (International Movement against All Forms of Discrimination and Racism) said that her organization was deeply concerned at the continuing violence and human rights violations in Chiapas. Although a partial agreement between the Mexican Government and the Zapatista National Liberation Army (EZLN) had been reached in 1996, its provisions had not been implemented and all negotiations had been suspended. In December 1997, a group of armed civilians, identified as members of local paramilitary groups, had killed 45 unarmed men, women and children. Peasant communities, which had declared autonomy at the local level, had been subjected to a large deployment of police and military force. International concern at the human rights situation in Chiapas, and in Mexico generally, had probably averted a greater deterioration in the situation, which could be ameliorated by a visit from a United Nations observer or special rapporteur.

22. Her organization was also deeply concerned at the grave human rights abuses that had occurred in Indonesia in May 1998, particularly the wide-ranging sexual offences perpetrated against the ethnic Chinese minority. It welcomed the establishment by President Habibie of an independent fact-finding mission and suggested that interested international non-governmental organizations (NGOs) should be associated with the mission; that consideration should be given to using United Nations human rights technical assistance; and that the necessary steps should be taken to ensure the safety of victims who gave testimony. The victims should receive redress

and steps should be taken to prevent new human rights violations, especially against the Chinese community. It was to be hoped that human rights education would be extended not only to the general public but also to members of Parliament, the police and the security forces.

23. Ms. McCONNEL (North-South XXI) said that, while Sri Lanka celebrated 50 years of independence, its Tamil people had been commemorating decades of systematic genocide at the hands of the Sri Lankan authorities. The Tamils, who were seeking self-determination, not "devolution", had for decades been struggling to preserve their national identity and free themselves from Sinhala rule. Despite United Nations interventions, the human rights situation had continued to deteriorate. There had been over 1,800 landmine victims in the Jaffna peninsula, with between 80 and 100 new casualties each month.

24. Her organization urged the Government of Sri Lanka to cease all military operations against the Tamil civilian population, withdraw the occupying forces, lift the economic blockades and allow humanitarian aid. The Sub-Commission, for its part, should appoint a body to carry out investigations into the mass graves discovered in the Jaffna peninsula in July 1998.

25. Ms. GOMEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that enforced disappearances were still occurring throughout the world and were increasingly involving larger segments of the civilian population, the countries most affected being Algeria, Sudan, Turkey, Colombia and Mexico. Over the past two years in Argentina, Sudan, Turkey, Colombia and Mexico, persons campaigning on behalf of the victims had themselves been subjected to harassment, enforced disappearance, arbitrary detention, baseless legal action, torture and summary executions.

26. In Guatemala, Bishop Juan José Gerardi had been savagely murdered only two days after he had submitted his report on 36 years of disappearances orchestrated by the State security organs. People known for their social work and defence of human rights continued to be subject to summary executions. On 6 May 1998, the Mayor of El Quiche had been murdered in front of his wife and children by five hooded individuals. The clandestine bodies of oppression responsible for thousands of crimes in the recent past were continuing to operate with impunity and the Government's promise to implement the Peace Accords had not put an end to violations of human rights. The Commission on Human Rights had been premature, to say the least, in deciding to remove consideration of the situation in Guatemala from its agenda.

27. In Mexico, hundreds of persons had been arbitrarily detained and tortured in 1998 and the militarization of indigenous areas had caused the displacement of thousands of people. The Mexican army was systematically raping indigenous women, the prettiest being reserved for the officers. The Sub-Commission should pass a resolution condemning the human rights violations in Mexico in view of the deterioration of the situation of the past year.

28. Mr. AHMAD (World Muslim Congress) said that, in Kosovo, the Serbian army continued to massacre civilians under the pretext of "restoring Serbian greatness". Terror was being launched against 90 per cent of Kosovo's

population, on behalf of 10 per cent. The ethnic Albanians based their claims on real history and the majority principle, not obscure mythology. Slobodan Milosevic had created an apartheid regime in the very centre of Europe. Bosnia-style ethnic cleansing was in full swing along the Albanian border, where Serbian police and soldiers were destroying villages, killing civilians and forcing the frightened survivors across the frontier. The international community stood by, while the Serbians accomplished in Kosovo what they had not been able to complete in Bosnia.

29. There was a striking resemblance between the situations in Kashmir and Kosovo. In both countries, violence was used to suppress popular resistance to State oppression. In 1989, the year Slobodan Milosevic had annulled Kosovo's autonomous status, placing it under direct rule from Belgrade, India had imposed military rule in Kashmir. Since then, Indian forces in Kashmir had resorted to abductions, enforced disappearances, torture, summary executions and reprisal killings. Villages, stored food, religious shrines and rare manuscript libraries had been systematically burnt. Serbian forces, used similar tactics in Kosovo. In both contexts, rape was being used as a weapon of war, and neutral observers, independent journalists and international human rights organizations were denied entry.

30. The people of Kashmir felt cheated of their right to self-determination as legislated by the United Nations Security Council. Kashmir had never been an internal affair of India, and Indian hold on the State was illegal, since possession by conquest did not lend title to a territory. Title could be obtained only through the freely expressed will of a people.

31. The solution to both conflicts must lie in democracy. The people of Kosovo and Kashmir called for urgent action to restore their fundamental freedoms and to stave the genocide. They must not be disappointed.

32. Mr. PARADISO (World Federation of Democratic Youth) said that, in Pakistan, extrajudicial killings, arbitrary arrests, torture, ill-treatment of detainees and excessive use of force by law-enforcement agencies continued unabated, even though human rights organizations had been drawing the Sub-Commission's attention to the human rights situation there for a number of years. That situation had deteriorated still further in the past few months.

33. In the urban centres of Sindh, Pakistani law-enforcement agencies and armed groups sponsored by those agencies, such as "Haqiqi", had, since June 1992, been perpetrating ruthless atrocities against civilian Mohajirs under the guise of "combating terrorism" or "counterinsurgency". Members of the Muttahida Quami Movement, and their relatives, were arrested, tortured and extrajudicially executed, despite the fact that MQM was in a coalition Government with the Pakistan Muslim League. Despite reiterated pleas, no actions had been taken either by the Pakistani Government or the international community to put an end to the violence and lawlessness.

34. Despite denunciation by the former president of Pakistan, Mr. Farooq Laghari, of the thousands of extrajudicial killings which had taken place in Karachi and elsewhere since 1993, the violence had continued. A coalition Government at both the federal and provincial levels uniting the Muslim League and Muttahida Quami Movement had, however, opened a new window

of hope, and had promised to establish a commission on extrajudicial executions and a national commission for minorities. It had also pledged to dismantle the armed groups patronized by the military and put an end to the No-Go Areas.

35. Mr. SHINOJI (World Federation of Trade Unions) said he was concerned that a Pakistan characterized by dictatorial regimes and the denial of basic freedoms should be one of the two new nuclear powers. Pakistan continued to wage war and terrorism against its neighbours and its legal, constitutional and institutional structures discriminated among its own people on the basis of gender and religion. The impact of the Blasphemy Law had been brought to the world's attention by the suicide of Bishop John Joseph, who sought to protest against the arrest of a Christian youth on charges of blasphemy. Hindus, Ahmediyas and other minority denominations were also subject to severe discrimination. Women had been reduced to second-class citizens, only slightly better off than those in Afghanistan.

36. Pakistan had, since 1947, been engaged in sponsoring terrorism and insurgency, as well as waging conventional war, against India. Solutions proposed by the international community to resolve the dispute over Jammu and Kashmir tended to involve the rewriting of history, using religion as a basis for changing geographical borders, or the exchange of populations, but such solutions overlooked the horrors and traumas of the 1947 partition. If human rights were to be preserved in a nuclear subcontinent, it was imperative that the international community should persuade both India and Pakistan to look to the future rather than dwell on the past. Both countries should recognize that a de facto international border existed which must be transformed into a recognized frontier. Only thus might a repetition of the past 50 years of tension and violation of human rights be avoided.

37. Mr. KIRUBAHARAN (International Educational Development) said that, since the Sub-Commission had adopted its resolution 1983/16 expressing concern over the "severe loss of lives and property" in a massacre of thousands of Tamil people in Sri Lanka at the hands of Sinhala gangs, the genocide against the Tamil people had continued. Tamil civilians constituted by far the majority of the dead and the wounded, the tortured and disappeared, the arbitrarily detained, the abused, the displaced, the uprooted and those scattered into a new international diaspora.

38. Although the war prosecuted by the Sri Lankan military forces, which were 98 per cent Sinhala, continued, the Tamil people were not regarded as worthy of attention. Neither the Commission nor the Sub-Commission had adopted a resolution on the subject since 1987. They had paid no attention to the reports of working groups and special rapporteurs. Apparently the Tamil people were not as fashionable as the Bosnians. He asked whether the problem was that the Tamil people were historically Hindu or, possibly, the fact that certain foreign Powers had an interest in Trincomalee harbour as a means of exercising geopolitical control of the region.

39. The genocidal attacks of the Sri Lankan authorities had merely served to strengthen the Tamil's resolve for freedom. His organization thus requested the Sub-Commission to appoint a rapporteur to investigate the bodies buried in the Jaffna Peninsula and to adopt a resolution condemning the actions of the Sri Lankan authorities.

40. Mr. ARNOTT (War Resisters' International) drew attention to a recent statement on Myanmar and international law by Prof. Josef Silverstein of Rutgers University. He had said that the military junta in Myanmar had built its defence against inquiry into human rights and democracy on Article 2, paragraph 7, of the Charter of the United Nations, refusing to be drawn into any debate about what the State Law and Order Restoration Council/State Peace and Development Council (SLORC/SPDC) did within the country's borders. In so doing, the military junta was distorting the Charter which Burma had pledged to honour and uphold in its totality when it became a member of the United Nations in 1948 and when it was an original signatory of the United Nations Declaration of Human Rights.

41. The Commission on Human Rights had been seized of the issue of human rights violations in Myanmar since 1989, and had every year issued strong resolutions calling upon SLORC/SPDC to alter its behaviour and respond to its recommendations. Because of the seriousness of the charges, the Commission had named three different rapporteurs to make inquiries and publish their reports: thus far, Myanmar had admitted the first two but continued to deny entry to the third. The General Assembly had also been seized of the issue and had issued strong resolutions, but with no greater success than the Commission.

42. It was time for the Association of South-East Asian Nations (ASEAN), the relevant regional grouping, to stand with the rest of the world in making it clear to the newest member of ASEAN that it could not hide within or behind that organization, that it must end human rights violations, honour the 1990 election results and transfer power to the representatives of the people.

43. Mr. AL-ADHADH (Interfaith International) drew the Sub-Commission's attention to the crimes perpetrated by the Saddam Hussein regime against the leaders of the Shia religious community in Iraq. He gave detailed accounts of the assassinations on, 18 June 1998, of Grand Ayatollah Al-Gharawi and, on 21 April 1998, of Ayatollah Al-Burujerdi. The deaths of those and other religious leaders had to be viewed in the context of the previous threats against them, their special roles as leading members of the Shia religious establishment in Iraq and the history of similar terrorist attacks against any person regarded as a threat by the Iraqi Government.

44. The assassination of spiritual and juridical leaders was regarded by the international community as a crime against humanity, because their contribution to humankind was irreplaceable. His organization called upon the Sub-Commission to intervene and condemn those barbaric crimes and to request the Secretary-General to take all necessary steps to preserve the lives of the Shia religious leaders in Iraq and the integrity of the theology school in the holy city of Najaf.

45. Mr. BHUGYAL (Worldview International Foundation) said that, in the seven years since the Sub-Commission had adopted resolution 1991/10 calling upon the Chinese authorities fully to respect the fundamental human rights and freedoms of the Tibetan people, the situation had worsened. Tibetans had been banned from keeping photographs of the Dalai Lama and, in April 1998, 10 religious buildings at the pilgrimage site of Drag Yerpa, near Lhasa, had been demolished by the Chinese authorities on the pretext that they had not received official permission.

46. Since May 1995, the Eleventh Panchen Lama had been detained incommunicado and barred from assuming his position at his monastery and beginning his formal religious education. The Chinese authorities had refused publicly to state his whereabouts despite repeated appeals from the international community.

47. According to numerous reports by human rights organizations, the Chinese authorities were holding more than 1,000 political prisoners in Tibet, including juveniles. Physical abuses went unchecked and, in 1997, six political prisoners had died in custody as a result of routine torture. Three more deaths in unfortunate circumstances had been reported in 1998 and, in May 1998, Chinese security forces had opened fire on two peaceful prison demonstrations, killing a number of prisoners on the spot.

48. Tibetans were denied their right to peaceful assembly and freedom of expression, while human rights defenders were treated as criminals and the establishment of NGOs, trade unions or political groups was not permitted. In recent years the Chinese authorities had created further obstacles to the use of the Tibetan language and its literature. The implantation of Chinese settlers and the policy of enforced birth control on Tibetan women was directly threatening the very survival of the Tibetan national identity. Unless the international community showed political will and courage, and took specific action to bring human rights abuses in Tibet to an end, the situation there would not improve.

49. Mr. WELDEGIORGIS (Observer for Eritrea) said that, for the past eight weeks, the Government of Ethiopia had been engaged in a systematic policy of expelling Eritreans and Ethiopians of Eritrean ethnic origin solely on the basis of their national origin, often with great cruelty, in what was without doubt a crime against humanity. After giving accounts of individual victims, he said that, at the closing meeting of an international conference to establish a human rights commission in Ethiopia on 23 May 1998, the country's Prime Minister had spoken of his Government's commitment to the rule of law and to respect for human rights, but, only seven weeks later, he had proclaimed his Government's right to expel any foreigners it chose. The Prime Minister had compared the expulsion of Eritreans to the deportation of illegal Mexican immigrants by the Government of the United States of America.

50. That justification was an absurd one and an affront to the intelligence of the international community. Many of the persons expelled were Ethiopian citizens of ethnic Eritrean origin, who were legal residents in the country. The Prime Minister had stated that his Government could not expel a citizen of Ethiopia from Ethiopia, yet that was precisely what it was doing.

51. The expulsions were undertaken without any due process of law and without a right of appeal. It was also important not to forget the 8,000 poor farmers and pastoralists who had lived in Ethiopia for generations and owned farms and herds there, yet who had been deprived of their meagre livelihood. Citizens of third countries, who were of Eritrean origin, had also been arrested for deportation, though some had been saved by the intervention of their embassies. Some ethnic Eritreans with foreign passports had had them stamped with the words "deported, never to return".

52. Some people who had been deported stated that the Ethiopian security forces had accused them of membership of the Eritrean Community Association or the People's Front for Democracy and Justice (PFDJ), of voting in the Eritrean referendum, or of contributing to fund-raising campaigns. Those associations were, however, completely legal in Ethiopia, and fund-raising for Eritrea and participating in development campaigns in Eritrea were also completely legal activities. It was particularly puzzling that the PFDJ should be described as a clandestine organization, when the Ethiopian Government had not only permitted its activities but had even provided it with premises.

53. The mass expulsion of those people was an act of ethnic cleansing with no justification in the Ethiopian Constitution or Penal Code or in international law. The Ethiopian Government also clearly intended to deprive deportees of Eritrean origin of their Ethiopian citizenship, a precedent that the Sub-Commission could not possibly allow to stand. As Ethiopia had declared war on Eritrea, its Government would doubtless argue that it could derogate from the human rights provisions in the Constitution and Penal Code for reasons of national security. In those circumstances, however, the Eritreans in Ethiopia should be considered "protected persons" within the meaning of article 4 of the Fourth Geneva Convention. Article 5 of that Convention clearly stipulated that any action against protected persons must be taken on a case-by-case basis.

54. Mr. GETAHUN (Observer for Ethiopia) said that Eritrea, having launched an unprovoked attack against Ethiopia on 12 May 1998, was still occupying Ethiopian territory. The humanitarian consequences were staggering: hundreds of Ethiopians had been killed, hundreds of thousands displaced and hundreds more subjected to inhuman treatment in Eritrea. Schools and medical facilities had been destroyed, churches and grain depots looted, and domestic animals and other property stolen. The town of Zalambassa had been indiscriminately shelled and its 15,000 inhabitants forced to flee. An elementary school at Makalle had been targeted in an air strike.

55. A campaign of terror had been unleashed against Ethiopians in Eritrea. Prisoners of war had been paraded through the streets of Asmara and stoned by the crowd. Over 4,000 Ethiopian civilians had been expelled and their property confiscated. Ethiopian women had been raped by Eritrean soldiers.

56. Ethiopians who tried to leave Eritrea were beaten and their property confiscated. Some 30,000 Ethiopians in the port city of Assab had been denied the right either to work or to return to their country. Housemaids, private employees and day labourers had been summarily dismissed. Unarmed Ethiopians had been severely beaten, wounded or killed by gunfire and asphyxiated in unventilated cargo containers. Over 600 Ethiopian civilians were being held

in detention centres, where they were subjected to torture and inhuman treatment. The Eritrean Government had tried to impose Eritrean citizenship on the Ethiopians living in the areas it had occupied.

57. Given the atrocities it had perpetrated, the Eritrean Government had forfeited its moral right to appear before the Sub-Commission, let alone to accuse Ethiopia of human rights violations. The Ethiopian Government was fully committed to respecting the human rights of Eritreans living peacefully in the country. Moreover, the International Committee of the Red Cross (ICRC) and other NGOs had full access to all persons detained in Ethiopia, but no international body was allowed access to Ethiopian detainees in Eritrea.

58. Mr. NAZARIAN (Observer for Armenia) said that Nagorny Karabakh, an Armenian province since ancient times, had been transferred to Azerbaijan in 1921 by a juridically incompetent Bolshevik Party organ. During the Soviet era, the population of the province had suffered severe discrimination and the proportion of Armenians had declined from 95 to 75 per cent. Following a referendum in 1991, in which the overwhelming majority of the population of Nagorny Karabakh had voted for independence, Azerbaijan had taken up arms against the province. The subsequent armed conflict had created hundreds of thousands of refugees on both sides, and a severe economic blockade of Nagorny Karabakh and Armenia remained in place despite the ceasefire.

59. The peace negotiations had distorted the essence of the problem, which was the right to self-determination of a territory which had been annexed without the consent of its population. The principles of sovereignty, territorial integrity and non-interference in internal affairs could not be invoked to justify non-recognition of that right. New strategies aimed at limiting the scope of the right to self-determination had recently emerged. If successful, they could lead at best to enforced assimilation of small nations and at worst to genocide. He was convinced, however, that the aspiration to self-determination would continue to manifest itself in the third millennium.

60. Mr. ALDOURI (Observer for Iraq) said that, by virtue of the impartial positions adopted by its members, the Sub-Commission had an important role to play in drawing attention to the sufferings of the Iraqi people, particularly the most vulnerable sections of the population, since the imposition of economic sanctions in 1990.

61. Vital services and activities in the areas of health, education, energy, agriculture and industry had ground to a halt, because of the determination of certain States to maintain the sanctions indefinitely for political ends. It was common knowledge that the basic aim of the United States of America and the United Kingdom was to topple the existing regime in Iraq. Representatives of the United States Central Intelligence Agency (CIA) had recently met members of the so-called Iraqi opposition, whose agents raised funds for terrorist operations in Iraq.

62. It was incumbent upon the international community to oppose the use of economic sanctions for purposes other than those laid down in the Charter. A time-frame for the lifting of sanctions must be established, since Iraq had fulfilled all its international obligations under the relevant Security Council resolutions.

63. An entire population was being deprived of the most basic of all rights, the right to life, through starvation and illness. A total of 1,035,415 Iraqis had died of sanctions-related causes, such as shortages of medical supplies and malnutrition, since 1990.

64. He urged the Sub-Commission to reaffirm its decision 1997/119 concerning the humanitarian situation in Iraq and its resolution 1997/35 concerning the adverse consequences of economic sanctions on the enjoyment of human rights, and to make a strong appeal for the lifting of the economic sanctions against Iraq.

65. Mr. CHOWDHURY (Observer for Bangladesh) said that Bangladesh was committed to upholding human rights, the rule of law and good governance and tolerated no discrimination on grounds of religion, caste, creed or gender in the enjoyment of human rights. The Government had recently decided to accede to six key United Nations human rights instruments.

66. Recognizing that poverty stood in the way of full enjoyment of human rights, the authorities had placed poverty alleviation high on the development agenda, focusing on target groups such as women, youth and children.

67. A National Commission for Human Rights was being established and a National Ombudsman was about to be appointed. Ways of enhancing the efficiency of the judiciary and of ensuring easy and inexpensive access to justice for ordinary people were being explored. Human rights NGOs were also performing a valuable function, especially at the grass-roots level.

68. A historic Peace Accord on the Chittagong Hill Tracts had been signed in December 1997, ending two decades of insurgency and unrest. Considerable progress had already been made in implementing the Accord, thanks to the Government's determination, the unequivocal commitment of the Prime Minister and the cooperation of the tribal people. A Ministry of Chittagong Hill Tract Affairs, with a tribal person as its Minister, had been set up and a Regional Council was shortly to be formed. A recent international conference on Chittagong Hill Tract development had elicited a welcome response from prospective participants in the development of the area.

Statements equivalent to a right of reply

69. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said that the representative of Centre Europe-Tiers Monde had served as the mouthpiece for one side in the dispute concerning Western Sahara. His quotations from the Secretary-General's report (S/1998/534) had been highly selective.

70. A peacekeeping operation had been mounted with a view to organizing a referendum in Western Sahara. A Settlement Plan in that connection had been adopted by the Security Council in 1991. Regrettably, it appeared that the

NGO in question had not understood either the Secretary-General's report or the text of Security Council documents S/21360 and S/22464, which laid the basis for Security Council resolution 725 (1991).

71. For example, there was no question of the United Nations "administering the territory" during the last few weeks before the referendum. The sole responsibility of the United Nations Mission for the Referendum in Western Sahara (MINURSO) and the Special Representative of the Secretary-General for Western Sahara would consist in organizing and supervising the referendum. Nobody should presume to comment on the political aspects of the situation without being familiar with the technical details of the operation.

72. Mr. IDRIS (Observer for the Sudan), responding to a joint statement by the Association for World Education and Christian Solidarity International, said that it was the policy of his Government to allow relief supplies to pass freely through the territories it controlled to areas under the control of the rebels. It was unfortunate that a portion of that relief ended up in rebel hands through a system of taxation of the civilian population.

73. More than 2 million people had sought refuge from the war zone in government-controlled areas. It was hardly likely that they would seek protection in areas controlled by the perpetrators of genocide.

74. Although his Government's repeated calls for a permanent ceasefire had been rejected by the rebel movement, it had declared an indefinite and unilateral ceasefire three days previously with a view to improving the climate at the ongoing negotiations with the rebels under the auspices of the Intergovernmental Authority on Development (IGAD) and to helping to end civilian suffering and starvation.

75. It would have been more appropriate for the two NGOs to enjoin the negotiating parties to work towards a speedy settlement and urge the rebels to accept a permanent and comprehensive ceasefire, with the opportunity to exercise their right to self-determination as conceded by the Government.

76. His Government reaffirmed that its doors remained open to all those who were sincerely concerned to ascertain the truth and further the cause of peace.

77. He drew attention to decision 1997/113, whereby the Sub-Commission had decided not to adopt resolutions or decisions in respect of human rights situations that were being dealt with by the Commission on Human Rights under the public procedures.

The meeting rose at 5.55 p.m.



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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 August 1998, at 10 a.m.

Chairman: Mr. GUISSÉ

later: Mr. FAN Guoxiang
(Vice-Chairman)

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GE.98-13559 (E)

The meeting was called to order at 10.08 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued)
(E/CN.4/1998/124-E/CN.4/Sub.2/1998/2, E/CN.4/Sub.2/1998/26,
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E/CN.4/Sub.2/1998/NGO/1)

1. Mr. DJAMIN (Third World Movement against the Exploitation of Women) said that the new Government which had taken office in Indonesia after the resignation of President Suharto had failed to stop the systematic violation of human rights by the State. The steps taken, such as the adoption of the National Action Plan on Human Rights, the ratification of the Convention against Torture and the selective release of political prisoners, were cosmetic measures that had not addressed the institutionalized machinery of terror.
2. An eloquent example was Aceh, a Military Operational Area since 1989, where 1,700 deaths and disappearances had been reported in the month of July alone. A parliamentary fact-finding mission had recently confirmed the existence of at least seven mass burial sites and a torture camp, and acknowledged that the military had been largely responsible. Ostensibly to protect them from fundamentalist separatists, the military authorities were subjecting the inhabitants of Aceh to systematic violence, including murder, disappearance, torture and rape.
3. An independent investigation of human rights abuses in Aceh should be initiated as soon as possible and invitations extended to experts such as those of the Commission. The Indonesian Government had to stop blaming the violence on separatists or religious hatred and social envy and admit to the use of organized violence if it was to command any kind of credibility.
4. Mr. WAREHAM (International Association against Torture (IAAT)) took issue with the double standard built into the mechanism for reviewing human rights violations, which unfairly held the developing world to be the supposed source of all that was evil, and criticised the hypocrisy of the unipolar world to which Mr. Khalifa had referred at the previous meeting. For eight years IAAT's statements in the Sub-Commission had been documenting the human rights violations committed by the United States, which was quietly, often imperceptibly, consolidating a fascist State. One example at the international level was the blockade of Cuba with its disastrous consequences for the Cuban people and the legislation enacted by the United States to punish countries which did business with Cuba. Moreover, the United States used the United Nations when it was expedient to do so, namely, in making war on Iraq, intervening in Somalia and imposing sanctions against Iraq and Libya, but cavalierly disregarded United Nations decisions when it chose, as in the case of the mining of the Nicaraguan harbour.
5. In the domestic sphere, the United States regularly violated the rights of people of colour. A large majority of the poor and unemployed were black.

The death penalty was increasingly applied. From 1992 to 1995, 41 States had enacted laws making it easier for juveniles to be tried as adults. The privatization of prisons was leading to increased violations of the human rights of inmates. The chance that a Black man would spend some time in prison during his lifetime was 28.5 per cent, as opposed to 2.5 per cent for a White. The United States continued to deny the existence of more than 200 political prisoners in the country. Incidents of racism and racial discrimination by the police were on the rise and were often sanctioned by impunity. The number of police officers had increased by 19 per cent between 1992 and 1996. More restrictive immigration laws were being enacted in an effort to limit, if not eliminate, the influx of non-white immigrants, and were used in particular against Muslims and Arabs, who were targeted for their political and religious beliefs. Freedom of the press was coming under increasing attack.

6. In addition to all those facts, the findings submitted by two Special Rapporteurs of the Commission on Human Rights had given rise to serious and substantial criticism of United States human rights practices. IAAT therefore reiterated its request that the Sub-Commission should place the United States on the list of countries in which there was a consistent pattern of gross violations of human rights.

7. Mr. HADJAR (Movement against Racism and For Friendship among Peoples), drawing the Sub-Commission's attention to the situation in Indonesia, said that since the fall of President Suharto, not only had the few changes introduced been purely superficial, but the new Government was doing everything in its power to ensure that the serious human rights violations committed since 1965 went unpunished and refused to tolerate any criticism of the former President. He referred to the bloodbath which had given rise to President Suharto's dictatorship and kept the President in power, the brutal witch-hunts against communists, the mass killings in the provinces of Aceh and Irian Jaya, the massacres of Muslims and the military operations against thousands of petty offenders in the large towns, and added that Indonesian soldiers had systematically raped and continued to rape women, even three-year-old girls, during the military operations, as the anti-Chinese riots in May had recently attested. All human rights violations were serious, but the violations in Indonesia constituted nothing less than a series of crimes against humanity which the authorities wanted to remain unpunished. As impunity paved the way for the repetition of the same crimes, it was urgent for the Sub-Commission to appoint a special rapporteur to help the Indonesian Government elucidate those crimes fully.

8. Ms. GUL (All Pakistan Women Association) drew the Sub-Commission's attention to the continuous violation of human rights in Indian-occupied Kashmir. The Kashmiri struggle for self-determination was entering its fiftieth year; generations of Kashmiris had grown up under colonial occupation. In the past decade, more than 60,000 had been killed by the Indian security forces, and over 35,000 were languishing in jails. Reports by the United States Department of State and NGOs like Amnesty International and Human Rights Watch and the latest report of the United Nations Special Rapporteur on torture referred to systematic human rights violations by the Indian forces and documented the widespread use of torture and inhuman practices, including the rape of women and young girls.

9. Human rights activists were under constant threat and Kashmiri political leaders were routinely harassed. The Kashmiri people had no recourse to the courts against those widespread violations of human rights: Amnesty International reported that hundreds of habeas corpus petitions remained pending and judicial decisions on them remained unimplemented. Occupied Kashmir had become a concentration camp without walls. It was essential that international human rights organizations should be given full and complete access to occupied Kashmir and that the Indian Government should permit the United Nations Special Rapporteurs on torture, extrajudicial executions and violence against women to visit Kashmir and present their findings to the Sub-Commission and the Commission on Human Rights. The Kashmiri people had put their faith in international bodies like the Sub-Commission and the Commission, and she hoped that they would not be disappointed.

10. Ms. FONTANA (International Prison Watch) drew attention to the militarization of the penitentiary system in a number of Latin American countries. International Prison Watch was deeply disturbed by the de facto or de iure establishment of a military supervisory authority within the prisons. In Argentina, some of the staff of the federal prison service were former military personnel who had been members of the Grupos de Tareas, which had been responsible for many extrajudicial executions, disappearances and torture in secret detention camps during the dictatorship. In Brazil, the prisons were officially administered by the military police in over half the States. The 133 Chilean prisons were under the authority of the gendarmerie. In Colombia, arrangements were being made for maximum-security prisons and prison blocs to be guarded by the security forces. In Venezuela, guards outside the prisons were members of the military, and there were plans to establish a special prison supervisory body consisting of military personnel.

11. The militarization of the prison system had serious consequences. Firstly, it divided the supervisory function in two at the expense of the civilian administration's role, and led to a type of prison management that was authoritarian and exclusively security-minded. The situation was especially alarming as increased violence was becoming the only response to the demands of inmates. Secondly, conditions of detention created recurrent and often sustained violence, which eventually became a characteristic feature of prison life and resulted in a large number of deaths. The annual report of International Prison Watch mentioned numerous deaths caused by violence and abuse of force by law enforcement officers.

12. International Prison Watch regretted that none of the Governments concerned had conducted an exhaustive and impartial investigation to find the guilty parties and take effective measures to ensure that such violations did not recur. She reiterated her hope that a special rapporteur on persons subjected to detention or imprisonment would be appointed.

13. Mrs. WARZAZI, after commending Mr. Khalifa for his frank statement at the previous meeting, which had been a refreshing change from the usual double-talk, said that there was unfortunately no international organization which could, like UNICEF or UNDP, submit a report on the progress made and the setbacks encountered in human rights at the end of the twentieth century and on the reasons for the present situation.

14. The peace and security which the world thought it had achieved with the collapse of the Berlin wall had been a mere dream. Peoples continued to destroy each other and no one took notice unless geostrategic interests were at stake. Humanitarian work was at a standstill and starvation and violence were killing off entire peoples. As everyone knew, embargoes were routinely used to threaten leaders who were the only ones not affected by their consequences. The situation in the Middle East, which had aroused such hopes only a short while earlier, was deteriorating as a result of a series of violations of the Palestinian people's rights, and the United Nations Security Council's only response was to adopt ineffectual resolutions.

15. Amid the celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights, it was worth remembering that the poverty and ignorance in which hundreds of millions of human beings lived were the enemies of democracy and human rights. No one could possibly disagree with the Nobel Peace Prize winner José Ramos Horta, who had said that human rights education and training should begin in kindergarten.

16. According to an article which had appeared in the *Courrier international*, various European summit meetings had come to the conclusion that Europe was under threat from uncontrollable migratory movements from the east and south, as if Europe needed to replace the Soviet danger by a new common threat from outside to unite the peoples composing it. The upsurge of racism and xenophobia in Europe and the electoral progress achieved by the parties of the extreme right, which posed a serious threat to democracy and human rights, were hardly surprising.

17. Care should also be taken to ensure that technological progress did not become a threat to civil liberties and the right to privacy. Recent studies by the European Parliament had shown that global communications were all controlled by a small number of countries.

18. The battle which had begun with the adoption of the Universal Declaration of Human Rights was far from won, and perseverance and determination would still be necessary to ensure human rights for everyone and make the world a haven of peace, justice and tolerance.

19. Mr. ANCHOUR MONCEF (Tunisian Education and Family Organization - OTEF) said that Governments, NGOs and society at large should continue their efforts to develop national and international initiatives which transcended traditional political and cultural divisions. OTEF, for its part, had participated in the consultations on the reform of the Tunisian educational system, which had led to the promulgation on 29 July 1991 of a law introducing free compulsory education for children up to the age of 16. The attendance ratio for children from 6 to 12 years of age was 93.1 per cent, and at the secondary level girls accounted for over half of the total number of children attending school.

20. OTEF found it regrettable that some NGOs tended to reduce human rights philosophy to slogans used for sectarian political purposes. It had adopted a constructive approach to human rights, which did not mean that it refrained from all criticism. In areas such as the status of women, protection of the

family and protection of children, Tunisia had taken bold initiatives which managed to reconcile modernity and identity, growth and social progress, dynamism and stability.

21. Mr. JOINET, speaking on a point of order, said that the preceding speaker's statement was completely unrelated to agenda item 2.

22. Mrs. WARZAZI, speaking on a point of order, said that she had been shocked the previous day to hear certain NGOs make insulting remarks about several Governments. She urged the NGOs to remain courteous in their statements.

23. Mr. Fan Guoxiang took the Chair.

24. Mr. MAJID TRAMBOO (International Human Rights Association of American Minorities) said that his organization favoured the abolition of capital punishment and was concerned at the increasingly frequent application of the death penalty in the United States of America. He also expressed the gravest concern about the situation of African Americans held in American prisons, whose conditions of detention contravened the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United States Constitution.

25. In Kosovo, the ethnic Albanian population was being subjected to atrocities by the Serbian forces, namely, house-burning, looting, torture and massacres.

26. The untouchables in India continued to be the victims of apartheid. In a document submitted to the Human Rights Committee in July 1997, Amnesty International described at length the torture and degrading treatment sustained by untouchables. Serious and systematic violations of human rights were still being committed by the police, prison staff and armed and paramilitary forces in India.

27. The people of Indian-occupied Kashmir continued to suffer brutal repression through arbitrary arrests, torture, murder and rape, simply because the people wanted to decide their own political future. According to Asia Watch, the Indian occupation forces were hiring the services of "gangs" to commit serious human rights violations and placing the blame on Kashmiris.

28. A year earlier, Mrs. Palley had stated that terrorism and the need to curb it did not justify torture, rape, summary executions, disappearances, etc. She had also reminded the Sub-Commission of its primary duty to monitor, under agenda item 2, gross violations of human rights by Governments. It was the international community's duty to remind States which did not respect international human rights standards of their obligations under international law.

29. Mr. WU JIANMIN (Observer for China) said that, although the Cold War was over, the "Cold War mentality", which consisted in emphasizing and even exaggerating differences and imposing one's views on others, persisted and boded ill for the cause of human rights. For that reason China welcomed the positive change that had taken place at the Commission's fifty-fourth session, when States had made a concerted effort to reduce confrontation and strengthen

dialogue and cooperation. Cooperation was possible because States had at least five points in common: all attached importance to human rights; all accepted the principle of the universality of human rights; all admitted that no country's human rights situation was perfect; all considered that human rights constituted an integral whole and that civil and political rights on the one hand and economic, social and cultural rights on the other to be equally important; and all were in favour of the rule of law. The Commission's adoption, at its fifty-fourth session and after 14 years of consultations, of the Declaration on Human Rights Defenders, showed that extensive cooperation was possible on the basis of the five points he had mentioned.

30. The Sub-Commission had played a constructive role in promoting dialogue and cooperation by adopting, at its forty-ninth session, resolution 1997/38, entitled "Promotion of dialogues on human rights issues", in which it invited members of the Sub-Commission and governmental and non-governmental observers to carry out constructive dialogue and consultations on human rights.

31. Another weakness of the human rights activities of the United Nations was overemphasis on civil and political rights at the expense of economic, social and cultural rights and the right to development. Since 1992, of the 614 resolutions adopted by the Commission only 40 related to economic, social and cultural rights. China hoped that the Sub-Commission would help redress that imbalance.

32. During the previous year, China had engaged in dialogues on human rights with many countries, both developed and developing; the results had been satisfactory because mutual respect had been observed.

33. China attached importance to cooperation with United Nations human rights mechanisms. In October 1997, it had invited the Working Group on Arbitrary Detention to visit China. During the last session of the Commission on Human Rights, his delegation had held useful exchanges of views with representatives of the Office of the High Commissioner for Human Rights on questions concerning the two International Covenants on human rights. The High Commissioner for Human Rights, Mrs. Robinson, was invited by the Chinese Government to visit China in September 1998.

34. Some speakers had mentioned the riots that had taken place in Indonesia in May, when many shops owned by ethnic Chinese had been ransacked and burned and many ethnic Chinese women savagely raped. The Chinese Government had asked the Indonesian Government to punish the culprits, to take effective measures to ensure the personal safety and interests of the ethnic Chinese in Indonesia and to prevent similar incidents from recurring.

35. Mrs. DAES said that, despite the international community's efforts, the human rights and fundamental freedoms contained in the Universal Declaration were not fully and universally observed. After the Cold War, some very serious problems had come to light: regional conflicts, ethnic confrontation accompanied by ethnic cleansing, increasing flows of refugees and displaced persons, torture, rape, terrorism, oppression and the persecution of peoples in many parts of the world. Amnesty International documented abuses in 141 countries in its 1998 report.

36. In that connection, she noted that thousands of indigenous people were suffering from inhuman treatment and disease, were deprived of their freedom and faced very difficult economic problems. In the circumstances it was very difficult for them to preserve their cultural identity.

37. The human rights situation in Chiapas was deteriorating at an alarming rate. Indigenous peoples were caught between government forces supported by officially-funded militias on one side and armed resistance groups on the other. That conflict, which had already resulted in hundreds of innocent victims, served the interests of no one. A welcome development had therefore been the announcement by the Mexican Government that it had adopted a strategy based on three pillars: a legal pillar to re-establish the rule of law, a political pillar for dialogue and negotiation with the Zapatista army (EZLN) and a social pillar to tackle the socio-economic causes of the conflict. She looked forward to the effective implementation of that strategy and to the full observance of human rights and fundamental freedoms.

38. The human rights situation in Turkey was a source of concern. Firstly, Akin Birdal, Turkey's best-known human rights activist, had been the victim of an assassination attempt in prison.

39. Secondly, the Turkish authorities were conducting an ethnic cleansing policy against the Greek minorities on the islands of Gokceada (Inviros) and Bozcada (Tenedos), in flagrant violation of the Treaty of Lausanne. The teaching of Greek was forbidden and 95 per cent of the arable land belonging to the Greek minority of Gokceada had been expropriated. The cultural assets of the Greek minority, in particular religious articles, were being plundered and destroyed.

40. In Cyprus, 38 per cent of the territory of the island was still occupied, and the missing persons problem remained unsolved. The living conditions of the 500 Greeks and Maronite Cypriots living in the Turkish-occupied part of the island were appalling. The influx of Turkish settlers had changed the demographic structure in the northern part of the island; that was a crime under international law.

41. In conclusion, she expressed the hope that the principle "all human rights for all" would be effectively implemented.

42. Mr. PINHEIRO said that the international community was closely following Iran's efforts in the field of human rights. Considerable progress had been achieved in that respect, as noted in the report of the Special Rapporteur, Mr. Maurice Copithorne. He asked the Chairman, in the context of the constructive dialogue taking place between the Sub-Commission and the Iranian Government, to request the Government of Iran to communicate to the Sub-Commission information on the execution of Mr. Ruhollah Rawhany and on the cases of Mr. Zabihi Moghaddam, Mr. Kashefi Najafabadi and Mr. Hamid Nazirzadeh, who had reportedly been prosecuted and imprisoned because of their membership in the Baha'i community.

43. Mr. SUNGAR (Observer for Turkey) said that his country had been a parliamentary democracy since 1946, well before the establishment of democratic regimes in a number of countries members of the European Union.

Unfortunately, Turkey was not facing an armed conflict, but a separatist terrorist movement which claimed to be the defender of a so-called "minority", but in fact aimed at amputating one-third of the country's territory.

44. Despite that situation, the Turkish Government had taken additional steps in pursuit of its human rights policy since the Sub-Commission's forty-ninth session with the following results: six constitutional amendments, intended to increase democratic participation, had entered into force. Parliament had enacted a law reforming the prisons and introducing new resources for prison administrations. Parliament had lifted the state of emergency in three provinces and reduced it in the southeastern region. Lastly, Parliament had before it a draft law replacing the Turkish Penal Code; the new code abolished the death penalty, which had not been carried out since 1984, and enlarged the scope of freedom of expression. Turkey's increased openness in the area of human rights was also attested by the fact that the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on torture would be visiting Turkey in September and November 1998 respectively.

45. The Turkish Government was currently concentrating its efforts on three important areas: the establishment of a human rights "ombudsman"; a local administration reform aimed at strengthening local democracy and the adoption of job-creating measures in the southern provinces.

46. Since Turkey had been criticized for persecuting human rights defenders, he recalled that the Turkish delegation had been a leading sponsor of the draft Declaration on Human Rights Defenders. Human rights defenders themselves, on the other hand, had certain responsibilities, one of which was to respect law and order. The closing of the branch offices of some organizations in Turkey had been motivated by their failure to fulfil those obligations. However, the Diyarbakir branch office of the Turkish Human Rights Association had been permitted to re-open, as had four of the Association's seven branch offices previously closed.

47. Turkey would resolutely forge ahead with the human rights reform process, in parallel with the exercise of its legitimate right to defend the territorial integrity and political unity of the country against separatist terrorism supported from outside.

48. Mr. KIM (Observer for the Republic of Korea) said that there was obviously no cure-all for eliminating human rights violations; each situation required a different approach. However, ending impunity for violators of human rights should be a priority of the international community. Fully cognizant of that need, the Republic of Korea acknowledged the necessity of establishing a permanent international criminal court, and welcomed the adoption of the Statute of the Court in July in Rome.

49. The development of an arrangement for the prevention of serious human rights violations should also be explored, and early warning must be an integral part of all United Nations human rights activities. He therefore welcomed the recent suggestion to establish a rapid response system within the Office of the High Commissioner for Human Rights.

50. He wished to emphasize the importance of human rights education in general. The First International Decade for Human Rights Education (1995-2004) should offer an opportunity to send the human rights message to everyone.

51. Referring to the situation in the Republic of Korea, he said that the inauguration of the new Government under President Kim Dae-Jung on 25 February 1998 represented a milestone in his country's efforts to promote and protect human rights. The new Government, determined to ensure that human rights and fundamental freedoms were fully observed and that the people's living standards in all sectors improved, was in the process of enacting new human rights legislation and establishing a national human rights commission. The experience of the past decades had taught his country that democracy and the observance of human rights were essential elements in creating an environment that would promote development, peace and prosperity.

52. Mr. SORABJEE said that the various statements made had led him to ponder the real role of the Sub-Commission. In his opinion the Sub-Commission was first and foremost an advisory body of the Commission on Human Rights, a think-tank whose function was to undertake studies, open new fields and seek effective ways of enforcing human rights. Among its most important achievements in that area were the Declaration, and subsequently the Convention, on the Elimination of All Forms of Racial Discrimination.

53. Consideration of country situations tended to generate acrimony and bitterness instead of promoting genuine dialogue and understanding; the inevitable result was the politicization of the Sub-Commission. In any event, specific country situations could be examined by special rapporteurs, experts or working groups, which were better equipped than the Sub-Commission to undertake that task.

54. As an advisory body, the Sub-Commission also provided a forum for dialogue where the different actors of the international community - experts, NGOs and representatives of intergovernmental organs and of Governments - could meet to exchange information about violations taking place in many parts of the world. Which of those violations should the Sub-Commission address?

55. According to the criteria set by the Commission on Human Rights itself, the Sub-Commission should bring to its attention any situation which appeared to reveal a consistent pattern of gross violations of human rights in any country. In addition to that conceptual formulation, the Sub-Commission should take into account other factors, such as the nature and gravity of the violations, their extent and intensity, their duration, the presence or absence of domestic mechanisms for redress and particular problems faced by a country, such as terrorism.

56. Terrorist violence, which replaced the rule of law by the law of the jungle and the culture of the gun, was the very negation of human rights and provided Governments which felt threatened by terrorism with an excuse for committing serious human rights violations. Yet terrorism, which had been unequivocally condemned by the Sub-Commission in resolution 1996/20, did not

give the State licence to violate the human rights of its people. At the same time, it must not be forgotten that terrorism posed special problems for a country.

57. Another factor which the Sub-Commission should bear in mind when it considered country situations was whether human rights violations stemmed from the very nature of the regime, in other words whether violations were inherent in a country's legal system. For example, where there was rule by decree, the courts no longer exercised jurisdiction, constitutional guarantees were suspended and the press was gagged, the situation was obviously one of gross violations of human rights. When that was so, public criticism might have to be used to bring pressure to bear.

58. In other cases, the most constructive approach would be to study the underlying problems and suggest ways of solving them. As Mr. Eide had indicated, a particularly important task for the Sub-Commission should be to clarify the obstacles encountered in the realization of certain human rights and indicate ways to overcome them. The goals were encouragement, persuasion, dialogue, technical assistance and cooperation. In the words of Dag Hammarskjöld, no individual, no nation and no ideology had a monopoly on rightness, liberty and human dignity.

59. Ms. HAMPSON said that, in situations of organized political violence such as terrorism, the State remained bound by its human rights obligations. Too often, however, States acted as if they could not defeat terrorism without resorting to violations of international human rights law. That approach was immoral, unlawful and ineffective, for in doing so States forfeited their legitimacy. Such States must be reminded that derogation from their human rights obligations was only permitted when the level of disturbance in a country threatened the life of the nation. And even in such situations, Article 3 common to the Geneva Conventions remained applicable.

60. States faced with organized political violence frequently complained that no mechanisms were available for punishing the terrorists. That was simply not so. Terrorists should be tried under domestic criminal law and should be imprisoned after conviction by a court which had observed fair trial norms in reaching its verdict. States could also have recourse to international humanitarian law, to prosecute those responsible for violations of the laws and customs of war. For that reason every State dealing with terrorism should sign the recently-adopted Statute of the International Criminal Court. Any State which did not do so might find that its good faith was called into question.

61. Against that background she referred to various situations in which there were allegations of human rights violations by the security forces of certain States. What was striking about them was the extent to which parallels could be drawn in the response of States to organized political violence.

62. In Turkey, particularly south-east Turkey, there was no doubt that the PKK had itself violated human rights norms. The Turkish authorities, however, had committed serious human rights violations which accounted for

over a million displaced people in Turkey, according to figures provided by the Turkish officials themselves. Not only activists, but also simple villagers had been the victims of killings, torture and disappearances.

63. Another example was Algeria, where practically nothing was being done by the police or military officials to protect the civilian population and prevent killings. The Human Rights Committee, in its concluding observations on Algeria's second periodic report, had expressed concern with regard to innumerable reports of arbitrary or extrajudicial executions of individuals, disappearances and torture in Algeria. She invited the Sub-Commission to urge the Government of Algeria to accept international verification of the human rights situation in the hope of ending the atrocities and identifying those responsible. Many of the violations in both Algeria and Turkey were being committed by defence groups which were not part of the security forces but were given power by the State and acted with complete impunity.

64. The pattern was the same in Colombia, where those responsible for serious human rights violations included not only the armed forces and the police but also paramilitary groups and civilian associations acting on behalf of the State. In that connection, Amnesty International had reported a sharp escalation of serious human rights violations by paramilitary forces acting with the tacit or active support of the army. As in Turkey, the paramilitary forces employed a scorched earth strategy, burning entire villages and displacing the inhabitants.

65. In Africa, the appalling human rights situations in Burundi and the Democratic Republic of the Congo could be considered part of the aftershock of the Rwandan genocide. The lesson to be drawn from those situations was that the international community must act in time. Failure to do so meant that not just States but individuals and organizations such as the Sub-Commission would be found guilty of hypocrisy and indifference. That was what they could expect if they stood by and did nothing about Kosovo and Burundi.

66. Those instances of States repeating one another's mistakes revealed a striking pattern. In many cases, with the exception of Colombia, States refused to accept international scrutiny. They claimed the right to regulate their internal affairs but did not accept the responsibility that went with that right, namely, the responsibility to protect the civilian population against violence. Yet, they could not claim sovereignty while refusing to be held accountable for their actions. They forgot that terrorism could not be defeated when the State itself violated human rights on a systematic basis.

67. Given the Sub-Commission's expertise in emergency situations, she again encouraged it to urge States to cooperate with international verification mechanisms. Only States which had something to hide had anything to fear from international scrutiny. The international mechanisms were there to help.

68. Mr. MORJANE (Observer for Tunisia) commended the Sub-Commission on its standard-setting achievements in the field of human rights, and said his delegation welcomed the fact that the statements of members reflected a desire to approach human rights issues from a multidimensional point of view, which made it possible to analyse the root causes of human rights violations

objectively and consider ways of promoting and protecting human rights. His delegation shared Mr. Guissé's view that human rights must enter a phase of achievement and that concrete measures must be proposed.

69. Tunisia, for its part, had succeeded in strengthening democracy and guaranteeing its citizens the full exercise of their fundamental rights. Freedom of expression was guaranteed by law and effectively protected. Freedom of movement was laid down in the Constitution and could be restricted only by judicial decision. The members of the security forces received human rights training and the rules governing prison administration were also consistent with international norms. Numerous measures had been taken to strengthen the independence of the judiciary. Reforms had also been undertaken to strengthen the republican system, including a constitutional revision in October 1997 to strengthen the multiparty system and the submission of a bill amending the electoral code.

70. The NGOs were to be commended for their role in promoting and protecting human rights, but some of them unfortunately levelled unfounded allegations at his country. Tunisia was encouraged by foreign observers' recognition of its achievements in the political, economic, social and cultural spheres, and would continue to work for the promotion of human rights and the strengthening of democracy and fundamental freedoms.

71. Mr. PRATOMO (Observer for Indonesia) said that the new Government which had assumed office on 21 May 1998 was facing the major challenge of creating a more democratic society and a new culture of respect for civil and political rights in the current economic climate. The first step taken by the Government had been to review all national laws and regulations to bring them into line with international human rights norms. It had drawn up a systematic programme to review cases of imprisonment on political grounds by the previous Government as a result of which several prisoners had been amnestied. With regard to freedom of association, the ban on political parties had been lifted, and on 5 June 1998 Indonesia had ratified ILO Convention No. 87 concerning Freedom of Association. The Government had also taken steps to ensure greater freedom of the press. The new environment of political freedom had given rise to a number of NGOs which dealt with human rights at various levels, and the National Commission on Human Rights had been established in 1993. On 25 June 1998, a Plan of Action on Human Rights (1998-2003) had been officially launched, in line with the recommendations of the Vienna Declaration and Programme of Action. The Plan was aimed at promoting and implementing principles of equity and included the ratification of the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination, and, subsequently, the International Convention on Civil and Political Rights.

72. His Government was fully committed to shedding light on the attacks against the ethnic Chinese community which had taken place during the May 1998 riots. It had expressed deep regret and strongly condemned the atrocities, particularly the rape of Chinese women, and taken steps to provide the victims with assistance and prevent such incidents from recurring. On 15 July 1998, the National Committee for the Prevention of Violence against Women had been established with a view to implementing the National Programme on the

Elimination of Violence against Women. On 23 July 1998 a team consisting of representatives of various bodies had been formed to shed light on the incidents of May 1998; it was expected to produce a report by early November. President Habibie had pledged to provide better protection for Sino-Indonesians. In that regard, the Government had begun to review legislation to ensure that all citizens were treated equally and had made preparations for the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by the end of 1998. Lastly, the National Programme on the Elimination of Violence against Women had been incorporated into the National Plan of Action on Human Rights 1998-2003. He concluded by saying that his Government remained committed to cooperating with the Sub-Commission in order to promote and protect human rights throughout the world.

73. Mr. Guissé resumed the Chair.

74. Mr. PALIHAKKARA (Observer for Sri Lanka) said that his country had consistently followed an open human rights policy and that the Government had adopted various tangible and specific measures since the last session of the Commission on Human Rights in areas such as institution-building, investigations, prosecutions, reporting and accountability. The search for a solution to the root causes of human rights problems was continuing. The Government had published the reports of three commissions appointed to investigate involuntary disappearances and made them available to the Working Group on Enforced or Involuntary Disappearances. The Working Group had been invited to visit Sri Lanka and had accepted the invitation. An interministerial committee had been appointed to monitor the implementation of the recommendations of the three commissions. More importantly, reports of disappearances had greatly diminished as a result of a number of punitive measures taken by the judicial, executive and law enforcement agencies concerned; that fact had been acknowledged by the international organizations present in the area. The death sentence recently imposed on six security force officers was a landmark verdict which would have a strong deterrent effect on potential criminals. It had demonstrated the independence of the judiciary and the Government's determination to take firm action against impunity. The Human Rights Commission of Sri Lanka was fully operational, and had established 10 regional offices, including one in Jaffna, to contribute to the normalization process there. Since the Sub-Commission's forty-ninth session, Sri Lanka had also ratified the Optional Protocol to the International Covenant on Civil and Political Rights in October 1997, despite a propaganda campaign by the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization which sought to discredit the Government.

75. For 14 years the Government had been up against the opposition of the LTTE, which, through terrorist acts such as the killing of elected Tamil leaders of the Jaffna municipality and through its determination to provoke an intercommunity backlash in the country, was undermining all the Government's efforts to achieve a negotiated political solution based on the devolution of power and constitutional reform. However, the Government was encouraged by the reaction of the people of Sri Lanka who, during the 1998 elections in Jaffna, had demonstrated their rejection of terrorism, their desire for peace, and their determination to seek peaceful solutions to outstanding problems.

76. Ms. PEREZ-DUARTE (Observer for Mexico) said that her country was experiencing far-reaching changes in its economy and democratic institutions, as well as increased awareness of the need to enforce human rights.

77. Mexico's system of human rights protection was one of the most extensive in the world. The activities of the National Human Rights Commission, an independent body comprising 32 State commissions, had brought about a significant decline in certain firmly-entrenched practices, such as torture. In its efforts to combat impunity, the Government did not hesitate to convict public officials. Although some human rights violations were committed in Mexico, as in other countries, they did not reflect State policy.

78. The Government was particularly concerned by the violence prevailing in the State of Chiapas; a Peace and Reconciliation Commission consisting of members of all the political parties represented in the Chamber of Deputies and the Senate had been established to seek a solution to the problem through dialogue. Constitutional reforms affecting indigenous rights and cultures were being studied, in conformity with the San Andrés agreements. The Mexican Government realized that the solution to the Chiapas problem lay in dialogue and reconciliation which were possible only if the rebels were disarmed and the dialogue with the Zapatista National Liberation Army (EZLN) resumed. But it was also necessary to tackle the structural causes of the conflict, namely, the region's extreme poverty and underdevelopment, the people's lack of education and the absence of a health infrastructure. The Government had to encourage private and public investment in order to achieve that goal, and the indigenous peoples must once again be given hope by recognizing and guaranteeing their fundamental rights.

79. Mexico's policy did not entail the deliberate violation of human rights: it had signed nearly all human rights treaties and conventions and respected its reporting obligations. In 1996 the Inter-American Commission on Human Rights had visited Mexico. In 1997, the special rapporteurs of the Commission on Human Rights on torture and on the sale of children, child prostitution and child pornography had visited Mexico, which was preparing to submit its observations on Mr. Rodney's report. The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes had also been invited to visit Mexico. The fact that Mexico had been visited by a large number of representatives of various organizations was proof that it did not in any way limit access to its territory. No large-scale, systematic violations of human rights took place in Mexico, which pursued a policy of promoting and protecting human rights, and would continue to participate in the implementation of international human rights instruments.

The meeting rose at 1.05 p.m.